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ABSTRACT

The course is designed to help the student qualify for employment as a typist in a legal office. Instruction is given to enable the student to prepare all types of legal documents, spell and use legal terminology correctly, and transfer legal information from one document to another. The course description includes: (1) equipment and supplies, (2) skill building, (3) legal vocabulary, (4) legal forms, (5) legal correspondence, (6) English usage and grammar drills, and (7) personal traits and ethics. An appendix offers sample activity materials, a sample test, and an index of legal terms. (MW)

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AUTHORIZED COURSE OF INSTRUCTION FOR THE QUINMESTER PROGRAM

LEGAL TYPEWRITING

Business Education--7705.35 (New: 7766.35)

CE001 883

DADE COUNTY PUBLIC SCHOOLS

DIVISION OF INSTRUCTION•1971

ED 092529

LEGAL TYPEWRITING

7705.35 (New: 7766.35)

Business Education

Written by Melanie Miscirlian
And Approved by the Business Education Steering Committee
For Quinmester Courses

for the

DIVISION OF INSTRUCTION
Dade County Public Schools
Miami, FL 33132
1973

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I. COURSE TITLE--LEGAL TYPEWRITING

II. COURSE NUMBER--7705.35 (New: 7766.35)

III. COURSE DESCRIPTION

A. Synopsis

This course is designed to help the student qualify for employment as a typist in a legal office. Instruction is given to enable the student to prepare all types of legal documents, spell and use legal terminology correctly, and transfer legal information from one document to another.

B. Occupational Relationships

Legal secretary	Law clerk
Legal typist	Lawyer
Legal stenographer	

C. Textbook

One or more of the state adopted textbooks and/or one or more of the department's choosing. The text-kit, Legal Typewriting seems to offer a wider choice of problems and legal forms than other available books.

IV. COURSE ENROLLMENT GUIDELINES

A. Prior Experience Needed

The student should have attained the objectives of Advanced Clerical Typewriting prior to enrollment in this course.

B. Pretest

This test should be used to determine whether the student has attained the objectives of this course and/or the objectives of the preceding course. It should also help the teacher determine individual placement within the class.

C. Related Learnings

A legal typist needs more skills than are developed in Legal Typewriting. Other quinmester courses that are recommended include:

The Law and the Establishment 7715.01 (New: 7602.01)
The "Ins and Outs" of Everyday Contracts 7715.11 (New: 7602.11)
Legal Responsibilitiy 7715.22 (New: 7602.22)
The Office in Action 7716.11 (New: 7644.11)

V. COURSE OF STUDY PERFORMANCE OBJECTIVES

Upon successful completion of this course, the student will be able to--

1. type a 5-minute timed writing at a minimum of 40 gross words a minute (syllabic intensity of 1.5 or higher) from straight-copy legal material with a maximum of five errors;

2. spell and define 50 of the most commonly used legal terms with 90 percent accuracy;

V. COURSE OF STUDY PERFORMANCE OBJECTIVES, Continued

3. recognize various legal forms and know which form is required for at least five given situations;

4. type five or more of the following legal forms with 100 percent accuracy (corrections allowed if flawlessly made; exception: no corrections allowed on dates and amounts of money): contract, partnership agreement, power of attorney, writ, complaint, summons, interrogatories, will, probate petition, affidavit, mortgage, bond, deed; and

5. demonstrate personal qualities, traits, and attitudes of a legal typist through good habits and self-evaluations.

VI. COURSE CONTENT

A. Equipment and Supplies
   1. Basic needs
      (a) Typing desk for each student--adjustable
      (b) Typewriters
      (c) Chair suitable for good typing posture
      (d) Textbooks for each student
      (e) Paper (legal and standard size)
      (f) Onionskin or second sheet paper (legal and standard size)
      (g) Carbon paper (legal and standard size)
      (h) Stopwatch and interval timer with bell
      (i) Legal forms and legal backing sheets
      (j) Correction tape, correction fluid, pencil and ink eraser
      (k) Envelopes--2 or more sizes
      (l) English dictionaries or word books, standard law dictionaries
   2. Supplementary needs
      (a) Overhead projector and screen
      (b) Filmstrip projector and screen
      (c) Reference handbooks for legal secretaries
      (d) Notebook in which notes and legal form samples are kept
      (e) Local legal newspaper

B. Skill Building
   1. Timed writings (one, three, and five minutes)
      (a) Straight copy
      (b) Legal copy
   2. Accuracy drills
      (a) Errorless sentences
      (b) One-minute drills striving for perfect typing from copy
   3. Reinforcement drills
      (a) Balanced hand drills
      (b) One-hand drills
      (c) Long-word drills
      (d) Legal words drills
      (e) Alignment drills
      (f) Tabulation drills

VI. COURSE CONTENT, Continued

C. Legal Vocabulary (See Appendix for samples)

D. Legal Forms
1. Familiarity with the forms
2. Understanding of legal importance and usage of each form
3. Types of legal forms
(a) Contract
(b) Agreement
(c) Power of Attorney
(d) Declaration
(e) Writ
(f) Summons
(g) Interrogatories
(h) Answer
(i) Deed
(j) Resolution
(k) Waiver
(l) By-Laws
(m) Will
(n) Probate Petition
(o) Fiduciary Bond
(p) Indictment
(q) Mortgage
(r) Notice of Appeal
(s) Partnership Agreement
(t) Complaint
(u) Affidavit

E. Legal Correspondence

F. English Usage and Grammar Drills Related to Legal Typing
1. Punctuation and capitalization drills
2. Word division drills
3. English usage drills

G. Personal Traits and Ethics
1. Loyalty
2. Honesty
3. Courtesy
4. Cooperation
5. Punctuality
6. Concentration
7. Neatness
8. Initiative
9. Responsibility
10. Privileged information

VII. SUGGESTED PROCEDURES, STRATEGIES AND LEARNING ACTIVITIES

A. Course Strategy and Method

Individualized instruction may be employed in a simulated legal office. This method is recommended in order for the students to become proficient in this very specialized occupation.

Reinforcement through technique improvement drills, timed writings, demonstrations, practice sessions, performance and/or written tests, and problem solving is suggested. Introduction of legal terminology should be followed by jobs or assignments in which these words are put to practical use.

The student should be permitted to work at his own rate with minimums established and to take as long as needed to attain sufficient competency for employment.

B. Skill Building

Timed writings should be given on a regular basis so that the student will maintain the skill he has previously acquired. Paragraphs, sentences, and five-minute writings on straight copy material as well as legal material should be utilized.

Work should be alalyzed and proper drills should be offered to correct individual problems in typing techniques.

C. Legal Terminology

1. Vocabulary training
   The student should be introduced to the most commonly used legal terms. Abbreviations, which are most commonly used, should be a part of these drills. The student should be encouraged to use a good legal dictionary when typing. Each student should compile a personal dictionary of law terms and their definitions.

2. Spelling drills
   After the student has drilled on the proper spelling of terms, quizzes should be administered on these terms.

3. Typing drills
   Conditioning practice or warm-up drills should contain difficult terms which the student will type such as the following:

   abstract accessory accruals acknowledge accusation acquittal acquisition ad infinitum ad valorem adjudicate affiant alias appellate assessment attorney bailiff bankruptcy bequeath brief

D. Legal Form Typing

1. Typing techniques
   The student should be familiar with proper techniques before he types actual forms. Alignment drills would be extremely

pertinent. Practice should be given in making flawless corrections and the student should realize that no corrections will be allowed on dates and amounts of money that are typed on legal forms. The student should be taught how to keep all typing within marginal lines on legal cap, how to type signature lines for makers and witnesses of documents, how to type caption boxes, how to number pages, how to type endorsements, and how to draw "Z" rulings.

2. Form recognition
The student should become familiar with the various forms that will be used before actually beginning to type them. Drills should be given requiring the student to name the specific form needed when a problem arises. Each student should maintain a notebook in which notes and sample legal forms are kept.

3. Procedure
After practicing the various techniques and becoming familiar with the many forms, the student should be given actual practice in filling out these forms in order to build speed and accuracy.

E. Employment Preparation

Local attorneys or legal secretaries can be invited (1) to interview members of the class; (2) to discuss unique procedures in a legal office; (3) to tell of training requirements of legal typists; and (4) to discuss employment opportunities and pay scales.

Students could bring in ads from local newspapers concerning jobs for legal typists and legal secretaries for discussion and comparison of the requirements and wages.

F. Personal Development

Films could be shown and material typed on desirable personal traits necessary for successful employment in a legal office. Emphasis should be placed on the importance of respecting the confidential nature of their work.

VIII. EVALUATIVE INSTRUMENTS

A. Tests

Suggested items for tests may be found in the sample evaluative instruments in the Appendix. The pretest and posttest should include all of the following types of test items. The interim tests may be limited to one or more of the types depending upon the purpose for testing the student. Ideally, all tests are administered to an individual student at proper points in his progress.

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VIII. EVALUATIVE INSTRUMENTS, Continued

TYPE	PURPOSE
Fundamental Skills Test	To determine if students have developed the basic skills necessary for production typing of legal forms, letters, and envelopes.
Legal Vocabulary Test	To determine the student's ability to spell and define common legal terms with 90 percent accuracy.
Legal Forms Test	To determine whether the student can type various legal forms in the correct manner with errors corrected.
Production Timed Writings	To determine the net production rate the student has developed in typing legal problems.

B. Grading

There is no "one" method of grading that is best; however, there should be consistency in grading throughout the course.

The work produced in the legal area is either mailable or not mailable. Production work should be evaluated on the basis of its relationship to the standards included in the objectives.

IX. RESOURCES FOR STUDENTS

The sources listed here are in addition to those listed in Advanced Clerical Typewriting and Advanced Skill Building.

A. Text-Kit (Textbook, workbook, key organized as a reference, and all forms needed for completion of problems; vinyl carrying case)

Grahn, Milton; Curchack, Norma; and Yengel, H. F. Legal Typewriting. New York: Gregg Division of McGraw-Hill Book Company, 1968.

B. Books and Reference Manuals

Altholz, Gertrude. Modern Typewriting Practice, 3rd ed. New York: Pitman Publishing Corporation, 1962.

Kurtz, Margaret; Adams, Dorothy; and Vezeau, Jeannette. 10,000 Legal Words. New York: Gregg Division of McGraw-Hill Book Company, 1971.

Legal Secretary's Encyclopedic Dictionary. New Jersey: Prentice-Hall, Inc., 1962.

Leslie, Louis A. and Coffin, Kenneth B. Handbook for the Legal Secretary. New York: Gregg Division of McGraw-Hill Book Company, 1968.

IX. RESOURCES FOR STUDENTS, Continued

Miller, Besse Mae. Legal Secretary's Complete Handbook. New Jersey: Prentice-Hall, Inc., 1965.

Pascale, Alfred C. The Secretarial Specialist. Providence, R. I.: Programs for Achievement in Reading, Inc., 1971.

X. RESOURCES FOR TEACHERS

The sources listed here are in addition to those listed in Advanced Clerical Typewriting and Advanced Skill Building.

Transparencies:

Gregg Typing Transparency Library. New York: Gregg Division of McGraw-Hill Book Company, 1968. Volume 5, Manuscripts and Reports, $57.50

Western Publishing Educational Services, 1220 Mound Avenue, Racine, WI 53404.

J8-818 How to Prepare a Legal Back
J8-819 How to Prepare a Legal Back--Form
J8-820 Typing an Already Prepared Legal Document
J8-821 Typing a Legal Document on Margins

APPENDIX

SAMPLE ACTIVITY

FIND AND CIRCLE THE HIDDEN LEGAL TERMS:

P O W E R O F A T T O R N E Y E Y C Z B A C E P

E F I D U C I A R Y K A N M D Y M O T I O N S O

R E L O A F F I D A V I T P A M N N L L B O X I

B I L L O F S A L E E R I H M T S T O L P T G J

W R E B U T T A L D Q A T I A W O R T O P A J U

T E A U Y P L E A D I N G S G C P A R F Q R I D

W U S U M M O N S C X S U S E O P C D P Q Y E G

D E E D Q W E R I X L W K J S M B T X A Z W I M

A S N F E T N O T I C E O F A P P E A R A N C E

I U Y A R W O P I Y U R G H D L U Y E T L I E N

Q W Z X C F T R R R E W A L I A S I O I L K G T

Q U A S H T I V T O R T S E I I Y D E C R E E S

U B N O T I C E O F T R I A L N O P J U R A T T

A O S R I U E Y W L S T A T U T E Q S L C D K R

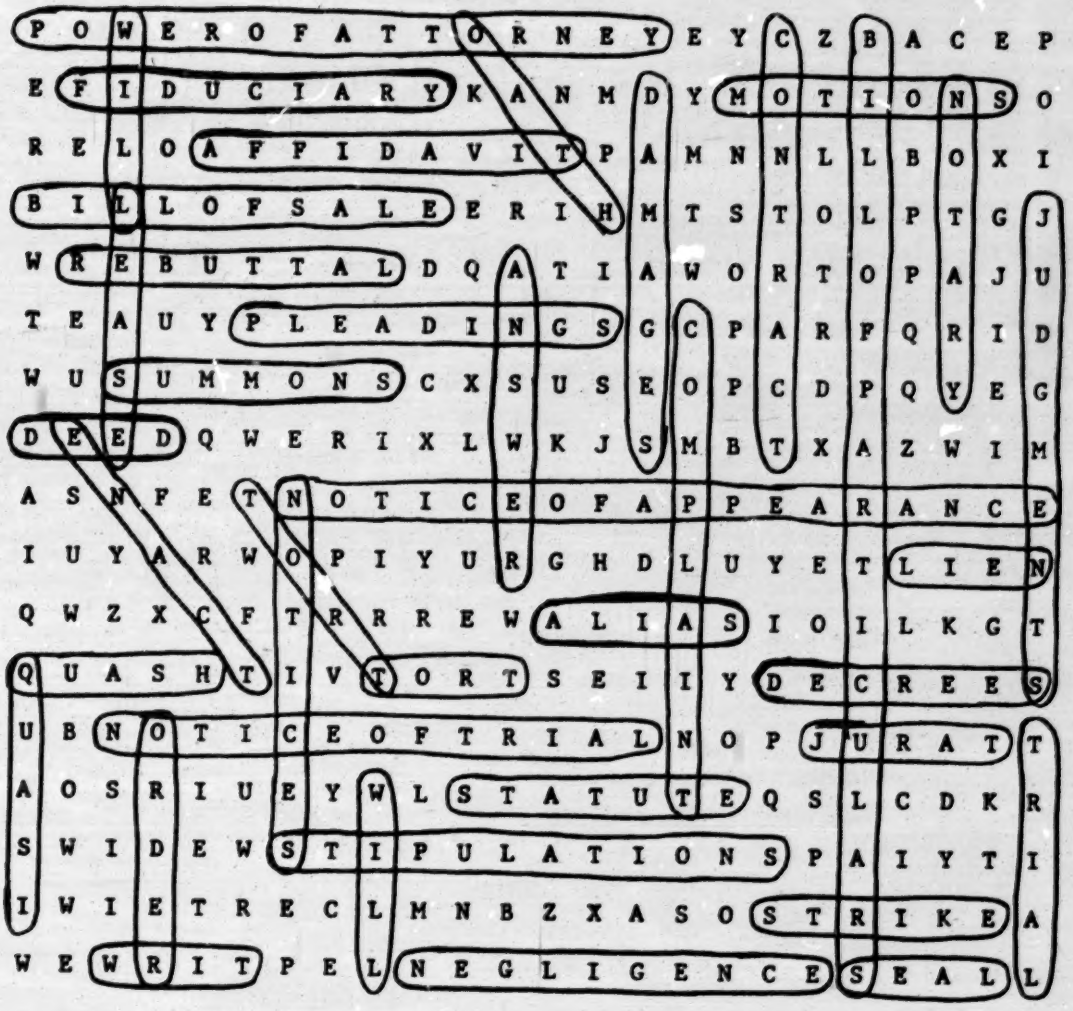
S W I D E W S T I P U L A T I O N S P A I Y T I

I W I E T R E C L M N B Z X A S O S T R I K E A

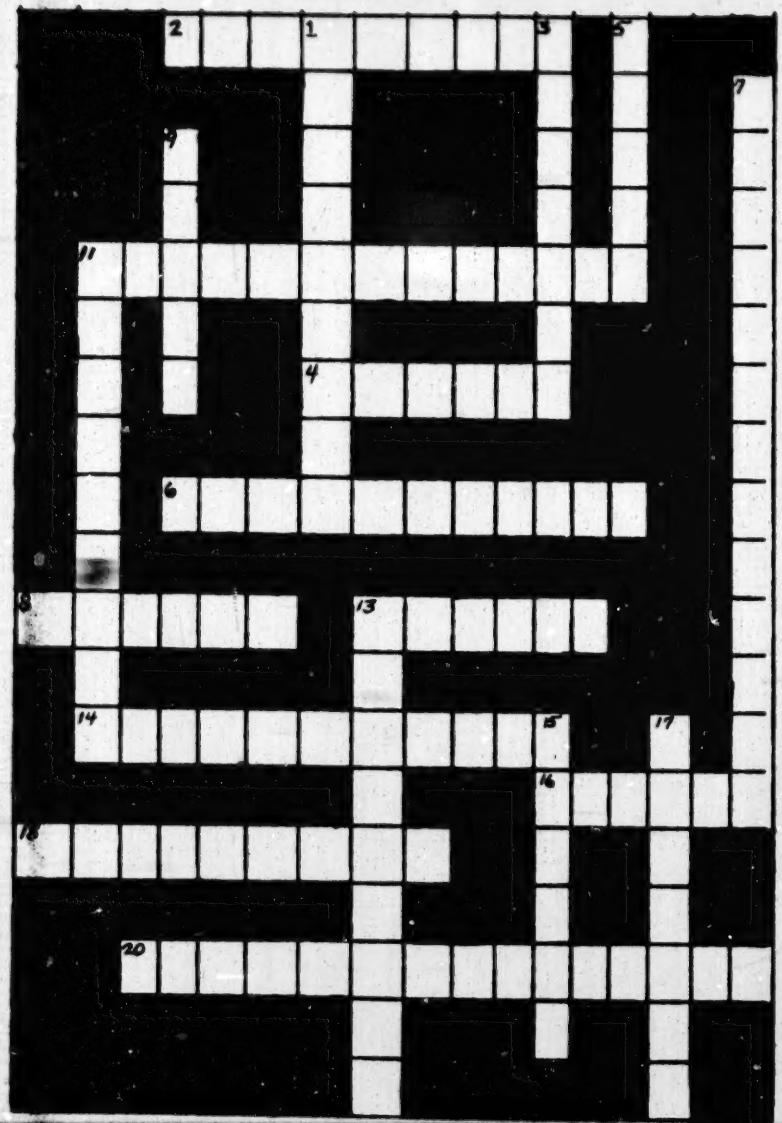
W E W R I T P E L N E G L I G E N C E S E A L L

SAMPLE ACTIVITY – KEY

FIND AND CIRCLE THE HIDDEN LEGAL TERMS:



TOTAL = 40



Down

1. A sworn statement in writing
3. First paper served on defendant
5. Legal instruments directing property's disposition after death
7. Sworn statements that the allegations in a pleading are true
9. Clause in an official certificate
11. Decisions of courts after trials of rights of parties
13. The person bringing action against another
15. A public officer who administers oaths, etc.
17. Judgements

Across

2. Legal documents setting forth claims
4. Counties and states where the facts of cases occurred
6. Clause which begins with "IN WITNESS WHEREOF"
8. Defendant's first pleading
11. Courts in which cases are to be heard
13. "WHEREFORE" clause where plaintiff "prays" for compensation
14. Agreement between counsels
16. Directions of a court or judge
18. First pleading by plaintiffs
20. A legal paper dealing with a business transaction and recorded by County recorder

SAMPLE TEST

PLEADINGS AND THEIR USAGES

Matching

Directions: Below at the left are various types of pleadings. Under them are descriptions of usages for these pleadings. Match the correct description with the pleading by placing the corresponding letter to the right of the pleading.

1. Statement of Claim_____
2. Petition for Appointment of Guardian_____
3. Petition for Probate of Will_____
4. Motion for Bill of Particulars_____
5. Complaint for Damages_____
6. Complaint for Divorce_____

Description

a. All cases having a monetary value of $750.00 up to $5,000.00.

b. All cases involving estates of deceased persons.

c. All suits involving monetary claims of $.01 to $750.00.

d. All suits with monetary value of $5,000 and above.

e. All cases involving the guardianship of minors or mentally incompetent persons.

f. All felonies except those that may result in capital punishment.

KEY TO CROSSWORD PUZZLE

DOWN

1. Affidavit
3. Summons
5. Wills
7. Verifications
9. Jurat
11. Judgments
13. Plaintiff
15. Notary
17. Decrees

ACROSS

2. Pleadings
4. Venues
6. Testimonium
8. Answer
11. Jurisdictions
13. Prayer
14. Stipulation
16. Orders
18. Complaint
20. Legal Instrument

KEY TO PLEADINGS AND THEIR USAGES

1. c
2. e
3. b
4. f
5. a
6. d

LEGAL TERMS

abstract of title	A summary statement of the successive conveyences upon which title to a piece of land rests
accessory	A person who contributes to the commission of a crime, but not as the chief agent
accruals	To accumulate
acknowledge	Admit to be true; recognize the authority of
acknowledgment or acknowledgement	A statement of acceptance of responsibility. The short declaration at the end of a legal paper showing that the paper was duly executed and acknowledged
accusation	An allegation or charge of wrongdoing
acquittal	The setting free of a person who has been charged with a crime
acquisition	The act by which a person gains possession of property
action	Proceedings at law
ad infinitum	Without limit
ad valorem	According to value, as a duty
adjudicate	To settle by a judicial decree
administrator	A person appointed by a law court to settle estates
administratrix	A woman administrator
affiant	A person who makes an affidavit
affidavit	A sworn statement in writing
agent	A person appointed to act in another's stead
alias	An assumed name
alimony	Money paid by a husband for support of his wife pending or after her divorce or legal separation
allege	To make a statement of fact; to state positively
allocate	To allow an appropriate proportion; to allot

LEGAL TERMS, Continued

amicable action	An action entered into by free agreement of both parties
annulment	The act of making void
anonymous	Without a name
appellant	One who appeals to another court for a judicial decision
appellate court	A court that has the power to review and affirm, reverse, or modify the judgment of another court
arraignment	The act of calling a prisoner before a court to answer an indictment
assault and battery	The unlawful touching of a person with the intent of doing physical injury, with the ability to carry out the intention
assessment	The process of apportioning an amount to be paid, as an assessment of damages or taxes
assignment	The act of transferring title to property in writing
attestation	The act of signing as a witness. Attestation of certain instruments by duly authorized officers
attorney at law	A lawyer currently practicing law
attorney for the defendant	The legal agent for the accused
attorney for the plaintiff	The legal agent for the complaining party
bailiff	A minor officer of the court
bankruptcy	The state of a person who is unable to pay his debts
being duly sworn	Having taken an oath: bound by an oath
beneficiaries	The persons who are to receive the money or property from an insurance policy, will, etc.
bequeath	To give or leave by will
bequest	A gift of personal property by a will

LEGAL TERMS, Continued

bill of particulars	A detailed statement of the items of a plaintiff's demand in an action, or a defendant's counterclaim
brief	A statement of the facts and points of law of a case that are to be pleaded in a court
certified copy	A copy of a document or instrument signed and certified as true by the official in whose custody the original is
citation	A summons; a notice to appear in court; act of quoting a passage, as from a book
collusion	A secret agreement for a fraudulent or deceitful purpose
compensatory damage	Payment for sustained loss that is in direct proportion to the amount of value lost
complaint	It consists of the allegations made by one who institutes suit at law
consideration	An essential of a valid contract
contract	Any agreement between two or more persons that creates, modifies or destroys a legal relation
corpus juris	The body of the law
counterclaim	An opposing claim made by a defendant to offset the claim made by the plaintiff
court docket	A listing kept by a court clerk of all cases to be heard by the court
court of appeals	A court that reviews the proceedings and findings of a lower court
damages	The amount claimed or allowed as compensation for injuries sustained through the wrongful act or negligence of another
de facto	In fact; in reality
declaration	A statement made by witnesses instead of taking the oath. The first pleading of the plaintiff stating cause and complaint and asking relief
decree	An official order or decision
defendant	The person against whom an action or suit is brought

LEGAL TERMS, Continued

deposition	Testimony taken upon questioning, not in court
divorce	Legal dissolution of the marriage relation
docket	A brief entry or the book containing such entries; list of law suits to be tried by court
due process of law	A course of legal proceedings that is in accordance with the laws of the land
duress	Constraint; compulsion
enact	To make into an act or law
escrow	A written document or funds held by a third person until the performance or fulfillment of some condition
ex officio	By virtue of one's office
ex post facto	After the fact
executor	A person appointed by a testator to administer estate
executors and administrators	Those licensed by probate court to handle the estate of a decedent
executory	That which is yet to be executed or performed
executory contract	A contracted agreement that is not yet executed, to be performed wholly or in part
executrix	Female person appointed by a testator to administer an estate
exemplary damages	Damages given beyond actual loss in order to punish and make an example of the offender (Punitive damage)
fiduciary	Of the nature of a trust; confidential
foreclosure	Termination of all rights of the mortgagor or his grantee in property covered by the mortgage
fraudulent	Deceitful; acting with fraud
give and bequeath	These words, in a will, import a benefit in point of right, to take effect upon the decease of the testator and proof of the will

LEGAL TERMS, Continued

grand jury	A body of persons that examines accusations against persons charged with a crime and finds bills of indictment if they see just cause
guaranty	A promise to answer for the payment of another's debt
habeas corpus	A writ requiring a prisoner to be brought into court to decide whether he is being held lawfully; literally, it means "you have the body"
incumbent	Imposed as a duty or obligation; one holding an office
indemnity	Immunity from penalty for past offenses
indenture	A deed to which two or more parties are mutually agreed to certain grants or obligations
injunction	A restraining order issued by a court of equity that requires a party to do or cease certain acts
interlocutory	Not final, provisional
interrogatories	A formal list of questions
jointly and severally	Persons who are "jointly and severally" in a bond or note may all be sued together or the creditor may select any one or more as the object of a suit
jurat	The clause written at the foot of an affidavit stating when, where and before whom such affidavit was sworn
jurisdiction	The legal authority of a court
last will and testament	The terms used in drawing up a will
lien	A legal claim on the property of another for the satisfaction of some debt or duty
litigate	To contest a suit in court; test the validity of a claim by action
litigation	A suit at law
negligence	The failure to exercise the care that circumstances demand

LEGAL TERMS, Continued

notary	A public officer who administers oaths, attests or certifies deeds, takes affidavits and the like
oath	Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully
order	A written direction of a court or court officer that is not included in a judgment
persona non grata	A person who is not acceptable
petitioner	One who makes a petition (a written application to a court requesting its actions upon some matter)
plaintiff	The person who brings a complaint suit or action
pleadings	The formal assertions setting forth the claims and defenses of the parties to a lawsuit
power of attorney	A legal document authorizing one to act as an attorney or agent for another either for the management of a specified business or for the accomplishment of particular transaction
praecipe	A writ commanding the defendant to do a certain thing or to show reason why. An order to the clerk of the court written out and signed requesting him to issue a particular writ
preliminary hearing	The hearing of a course before the formal court proceeding to determine whether the accused is being held lawfully
premise	That which is put before; that which precedes the foregoing statement
probate	Proving of a will; all matters of which probate courts have jurisdiction
prosecution	The carrying on of a suit or proceeding in a court of law
punitive	Concerned with punishment; inflicting punishment or penalty
punitive damages (also called exemplary damages)	Damages awarded in excess of compensatory damages to punish a defendant for a gross wrong
quash	To overthrow, annul, make void

LEGAL TERMS, Continued

quasi	Used to indicate that one thing resembles another to which it is compared in some characteristics but not in others
quasi-judicial	Having a partly judicial character by possession of the right to hold hearings and conduct investigations into disouted claims
quasi legal	Has some legal implications but not genuinely legal
quitclaim deed	The release of whatever title one may or may not have in the ownership of real estate or of a right therein
quorum	The number of members of an organized body that is required to be assembled to legally conduct business
rebuttal	The giving of evidence in a suit to destroy the effect of evidence introduced by the other side
revocation	A withdrawal, an annulment; recall of some power or thing granted
scilicet	To wit, namely
seal	Design stamped on to show ownership or authenticity; a paper circle mark, etc., representing it
solvent	Able to pay all debts
sound and disposing mind	The term usually used in a will to evidence the fact of the competency of the testator
specific performance	The actual performance of a contract by the party bound to fulfill it with no substitution of a like value or service
statute	A law enacted by a legislative branch of a government
statute of limitations	A law assigning a certain time after which rights cannot be enforced by legal action
statutory	Pertaining to a law passed by a legislative body
stipulation	Any condition in an agreement
subpoena	A writ commanding a person to appear in court under a penalty for failure to do so

LEGAL TERMS, Continued

subrogation	The substitution of one person in the place of another as a creditor who succeeds to the former's rights
summons	A written notification served on a person warning him to appear in court at a day specified
surety	One who promises to answer for a debt on behalf of a second person to a third person
testator	A person who leaves a will or testament in force at his death
testimony	The statement of a witness under oath that will be used as evidence or proof
torts	A civil wrong, especially one involving a right vested in a person or entity by law
trial	A judicial examination
verification	A formal statement under oath confirming that the content of a writing bearing one's signature is true and correct
waiver	The voluntary relinquishment of a right
will	An instrument directing the disposition of one's property after his death
witnesseth	To bear witness; give evidence
writ	A written command issued by a court of law, requiring the performance of an act or giving authority and commission to have it done